

SENATE CHAMBER, }
September 22, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted.

Senator Littleton presented the petition of C. A. Runnel.

Referred to Committee on Internal Improvements.

Senator Braswell, Chairman of Committee on Internal Improvements, reports and recommends the passage of a bill for the relief of the Eastern Texas Railroad Company, also,

Hon. G. W. Jones, President of the Senate :

The Committee on Internal Improvements, to whom was referred a bill to be entitled "An Act to incorporate the Henderson, Marshall and Jefferson Railroad Company, having considered the same, instruct me to report it back and recommend its passage, with the following amendment :

Strike out in the 15th Section all between the word "railroads," in the fourth line, and "this," in the seventh line.

Senator Saufley introduced a bill to amend section 8, Article 554, of an act entitled "An Act to establish a Penal Code, approved August 28, 1856."

Read first time and referred to Judiciary Committee.

Senator Randolph introduced a bill to repeal the seventh Article of an act to provide the mode of trying titles to land, approved February 5th, 1840.

Read first time and referred to Judiciary Committee.

Senator Bumpass offered the following resolution :

Resolved, That the Secretary of the Senate be instructed to call on the Secretary of State and request him, if in his power, to furnish the Senate with a copy of the reports mentioned in the Governor's Message to the present Legislature.

Adopted.

Senator Cook introduced a bill to define and punish the offense of drunkenness.

Read first time and referred to Judiciary Committee.

A message was received from the House announcing the passage of the following bills, which, upon motion of Senator Guinn, were taken up, read first time and referred as indicated:

Bill making appropriation to pay heads of departments and clerks.

Read first time and referred to Committee on Finance.

House bill requiring County Clerks to take charge of the records of County Surveyors' office in certain cases.

Read first time and referred to Committee on Land Office.

House bill to authorize the Police Court of Walker county to levy and collect a special tax for repairing and completing the county buildings.

Read first time and referred to Judiciary Committee.

House bill to amend an act entitled "An Act to legalize certain marriages, and to provide for the celebration of marriages and for other purposes, approved June 5th, 1837."

Read first time and referred to Committee on Judiciary.

Joint resolution for the relief of Starr and other counties.

Read first time and referred to Committee on Counties and County Boundaries.

House bill to amend an act to organize Justices' Courts, passed March 20, 1848.

Read first time and referred to Committee on Judiciary.

House bill to organize the county of Kinney, and attach the adjoining territory thereto.

Read first time and referred to Committee on Counties and County Boundaries.

House bill to organize the county of Maverick.

Referred to Committee on Counties and County Boundaries.

House bill to change the western boundary line of the counties of Uvalde, Zavalla and Dimmit.

Read first time and referred to Committee on Counties and County Boundaries.

House bill authorizing the State Treasurer to employ an extra clerk for the term of six months.

Read first time and referred to Committee on Finance.

A bill to amend the 57th section of an act entitled "An Act to regulate the proceedings in the County Courts pertaining to estates of deceased persons, passed March 20th 1848.

Read first time and referred to Judiciary Committee.

A bill to authorize the Police Courts for the several counties in the State to levy and collect a special tax.

Read first time and referred to Judiciary Committee.

A bill to incorporate the Board of Trustees of Baylor Female College, and regulating the mode of their election.

Read first time, and upon motion of Senator McDade, rule suspended, bill read second time and passed to a third reading.

Upon further motion of Senator McDade, rule was again suspended, bill read third time and passed by the following two-thirds vote :

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Cook, Coppedge, Dalrymple, Foscue, Guinn, Knox, Lane, Mc-

Dade, Nelson, Neyland, Parker, Randolph, Record, Reed, Saufley, Selman, Shannon, Shelley, Truitt and Yarbrow—25.

NAYS—None.

A bill to amend an act entitled "An Act to be entitled an act, regulate proceedings in cases of forcible entry and detainer, approved March 15, 1848."

Read first time and referred to Judiciary Committee.

A bill restricting the sale of vinous and spirituous liquors in the vicinity of Concrete College, was, upon motion of Senator Reed, taken up and read second time and passed to a third reading.

Upon further motion of Senator Reed, rule again suspended, bill read third time and passed by the following two-thirds vote :

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Cook, Coppedge, Dalrymple, Foscoe, Guinn, Jowers, Knox, Littleton, McDade, Nelson, Neyland, Parker, Randolph, Reed, Saufley, Selman Shannon, Shelley, Truitt and Yarbrow—25.

NAYS—None.

Upon motion of Senator Dalrymple, Senate bill to prohibit the sale of spiritous or vinous liquors within six miles of Salado College, taken up, read second time and ordered engrossed.

Upon motion of Senator Guinn, rule was suspended, bill read third time and passed by the following two-thirds vote :

YEAS—Senators Boyd, Brown, Bumpass, Cook, Coppedge, Dalrymple, Foscoe, Guinn, Jowers, Knox, McDade, Nelson, Neyland, Parker, Randolph, Record, Reed, Saufley, Shannon, Shelley, Truitt and Yarbrow—23.

NAYS—None.

Senator Saufley, for the Committee on Internal Improvements, reported back and recommended the passage of a bill to incorporate the Lake and Lock and Dam Company.

Senator Truitt, Chairman of the Committee on Private Land Claims, reported back and recommended the passage of a bill for the relief of Thomas McGehee.

Senator Blount moved to take up Senate bill, to incorporate the town of Denton, in Denton county.

Out of order. Carried.

Bill read second time, and ordered to be engrossed.

On motion of Senator Blount, rule suspended, bill read third time, and passed.

Senator Boyd moved to take up Senate bill, authorizing Robert S. Gould, Judge elect of the 13th District, to hold a special term of the District Court in and for Robertson county.

And report out of order. Carried, and report adopted.

Bill read second time, and ordered to be engrossed.

On motion of Senator Boyd, rule was suspended, bill read third time, and passed.

The Senate resuming the consideration of the bill providing for the relief of debtors, in certain cases, question pending at the time of adjournment on yesterday, was, upon the adoption of amendment offered by Senator Bumpass, Senator Shelley moved to indefinitely postpone.

Senator Reed moved to lay Senator Shelley's motion on the table.

Motion lost.

YEAS—Senators Braswell, Bumpass, Coppedge, Dalrymple, Jowers, Lane, McDade, Parker, Reed and Truitt—10.

NAYS—Senators Blount, Boyd, Cook, Cooley, Foscue, Guinn, Knox, Littleton, Neyland, Record, Selman, Shannon, Shelley, and Yarbrow—14.

Question recurring on Senator Shelley's motion to indefinitely postpone,

Upon motion of Senator Bumpass, a call of the Senate was ordered.

Pending the call of the Senate, Senator Guinn, Chairman of Committee on Finance, reported back a "resolution to pay B. H. Davis for his services as clerk of a Joint Select Committee to examine books of the General Land Office," and recommended the adoption of a substitute.

Substitute taken up, read first time, and adopted.

Senator Blount moved to strike out "eight," and insert "five."

Motion lost.

Upon motion of Senator Guinn, rule suspended, resolution read second time, and ordered to be engrossed.

Upon motion of Senator Shannon, rule was further suspended, resolution read third time, and passed.

Upon motion of Senator Bumpass, the call of the Senate was suspended.

The question being upon the motion of Senator Shelley to postpone indefinitely the amendment offered by Senator Bumpass, the motion to postpone prevailed by the following vote:

YEAS—Senators Blount, Cook, Cooley, Dalrymple, Guinn, Knox, Lane, Neyland, Randolph, Record, Selman, Shannon, Shelley, and Yarbrow—14.

NAYS—Senators Braswell, Boyd, Brown, Bumpass, Coppedge, Jowers, Littleton, McDade, Nelson, Parker, Reed and Truitt—12.

Senator Cook moved to amend the bill as follows :

And provided further, that upon failure to pay the first installment, the Clerk of the District Court shall have authority to issue execution in his own name against the party cast in the suit, for all costs; and upon the return of the same, not satisfied, he may issue execution for costs against the successful party, or the sureties on his bond, for costs.

Motion lost.

Senator Blount moved to amend as follows :

Amend Section 1, by striking out the words "one-third part," where they occur in third and seventh lines, and insert in lieu thereof, "one-half;" also strike out all after the word "attachment," in the tenth line to the last word in fifteenth line of same section.

Upon motion of Senator Reed, amendment laid upon the table.

Senator Nelson moved to strike out the word "six," where it occurs in second section, and insert "twelve."

Amendment made.

Senator Jowers moved to amend as follows :

Add to Section 2d, the following : "It shall be competent in all suits upon instruments bearing date since the 26th day of May, 1865, to prove the fact by parol testimony, that the same was made in discharge or settlement of an obligation, in writing, existing prior to said date."

Amendment made.

Senator Blount offered the following amendment which, upon motion of Senator Saufley, was laid upon the table, by the following vote :

YEAS—Senators Braswell, Brown, Corpedge, Dalrymple, Foscue, Guinn, Jowers, Knox, Littleton, McDade, Nelson, Parker, Randolph, Reed, Saufley, Shannon, Truitt and Yarbrow—18.

NAYS—Senators Blount, Boyd, Cooley, Lane, Record, and Shelley—6.

Amend, by adding at the close of Section 1st, the following :

"And provided further, that no judgment debtor shall be entitled to the benefits of this act unless such debtor shall, within ninety days after the passage of this act, on judgments theretofore rendered, and within twenty days after judgment in cases thereafter determined, enter into bond with two or more good and sufficient sureties, payable to the plaintiff in double the amount of such judgment, and conditioned according to the provisions of this act, which bond shall be approved by the clerk of the court or magistrate before whom the cause was determined,

filed in the office, and have the full force and effect of a judgment against such debtor and sureties; and upon failure of any debtor to give such bond, or comply with any of the conditions thereof, execution shall forthwith issue, upon plaintiff's request, against such debtor and his sureties, for the full amount of the judgment then unpaid, and costs, in accordance with laws in force prior to the 2d day of March, A. D., 1861."

Tabled.

Senator Shelley moved to amend 3d Section, by inserting after the word "installment," in fourteenth line, "as provided in this act," and by adding to the end of the section the words, "in the name of the officers of the court."

Amendment made.

Senator Cooley offered the following amendment, which Senate refused to make :

In the 3d Section, strike out all between the word "*obligations*," in the fourth line, and the word "*and*," in the eighth line, and insert therefor the following : "Trial and judgment shall be had as provided by the general laws of the State."

Senator Dalrymple moved to amend 2d Section by striking out the words, "now pending in the courts of this State."

Motion lost.

Question being on the engrossment of the bill, its engrossment was ordered by the following vote :

YEAS—Senators Braswell, Boyd, Brown, Bumpass, Cook, Coppedge, Foscue, Guinn, Jowers, Knox, Littleton, McDade, Nelson, Parker, Randolph, Record, Reed, Saufley, Shannon, Shelley and Yarbrow—21.

NAYS—Senators Blount, Cooley, Dalrymple, Lane, Neyland, Selman and Truitt—7.

Senator Reed moved to suspend rule, and place bill on its final passage.

Motion lost.

Upon motion of Senator McDade, the Senate adjourned until 10 o'clock, Monday morning.

SENATE CHAMBER, }
Sept. 24, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present

Journal of yesterday read and adopted.

Senator Bumpass moved to correct the Journals on the final